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TO AMEMBASSY MOSCOW 0000
BT

UNCLAS STATE 224125

E.O. 11652: N/A

TAGS: SENV, UR, US

SUBJ: US-USSR ENVIRONMENTAL AGREEMENT: AREA XI LEGAL
FROM JOHN BUSTERUD, CEQ MEMBER

1. REQUEST EMBASSY PASS FOLLOWING LETTER AND TEXTS TO
MR. OLEG KOLBASOV, INSTITUTE OF STATE AND LAW,
ULITSA FRUNZE 10, MOSCOW 121019. PLEASE PASS COPY TO
KAZAKOV OF HYDROMET.

QUOTE DEAR OLEG:

I WAS VERY PLEASED TO RECEIVE YOUR LETTERS OF JUNE 12 AND
JUNE 30, AND WAS HAPPY TO LEARN FROM DR. SCHOENBAUM THAT
HE WAS ABLE TO COMPLETE HIS RESEARCH AND TO PREPARE A
REPORT DEALING WITH ECOLOGICAL RESERVES IN THE SOVIET
UNION. AT THE SAME TIME I WAS SOMEWHAT DISAPPOINTED TO
LEARN OF SOME OF THE PHYSICAL ARRANGEMENTS WITH RESPECT
TO HIS WORK AND LIVING ACCOMMODATIONS WHILE IN THE
SOVIET UNION AND TO HEAR THAT HIS ITINERARY HAD BEEN
MODIFIED SUBSTANTIALLY FROM THE ONE THAT HE PROPOSED.
PERHAPS IN THE FUTURE WE SHOULD BE SURE IN ADVANCE OF
THE ARRIVAL OF THE EXCHANGE SCHOLARS THAT ALL GOVERNMENT
CLEARANCES FOR ITINERARIES AND PROGRAMS HAVE BEEN
RECEIVED TO AVOID SOME OF THE FRUSTRATIONS THAT HE FACED.
I AGREE THAT WE SHOULD CONTINUE WITH IMPLEMENTATION OF
OUR 1975 PLANS AND NOT ADD ANY NEW MEASURES AT THIS
TIME. IN THAT CONNECTION WE ARE STILL ANXIOUS TO
RECEIVE THE FIRST SOVIET EXCHANGE SCHOLAR. I CAN
AGREE IN PRINCIPLE TO THE IDEA OF TWO U.S. SCHOLARS
EACH STUDYING FOR THREE MONTHS NEXT YEAR IN THE SOVIET
UNION AND TWO SOVIET SCHOLARS STUDYING FOR SIMILAR
PERIODS OF TIME IN THE UNITED STATES. I AM NOT CLEAR
WHETHER YOU PROPOSE THAT THERE BE A DOUBLE EXCHANGE
OF THREE AREA XI EXPERTS IN SEPTEMBER 1976 OR ARE
MERELY PROPOSING A VISIT OF THREE SOVIET REPRESENTATIVES
TO THE UNITED STATES IN THAT MONTH, TO BE FOLLOWED BY A
VISIT IN 1977 BY THREE U.S. REPRESENTATIVES TO THE

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*make new file - 2 - Home
Environment
W.G. XI*

Legal

02.01

02.11 - ENVIRONMENT

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SOVIET UNION. WE ARE CERTAINLY PREPARED TO RECEIVE THREE REPRESENTATIVES IN SEPTEMBER 1976 AND ARE PREPARED TO ENTERTAIN CONSIDERATION OF A PROPOSAL THAT THERE BE A SIMULTANEOUS EXCHANGE OF U.S. REPRESENTATIVES TO THE SOVIET UNION. HOWEVER, WE WOULD APPRECIATE FURTHER DETAILS AS TO HOW THAT EXCHANGE WOULD WORK.

I AM LOOKING FORWARD TO THE MEETING OF THE JOINT COMMISSION IN WASHINGTON IN OCTOBER; AND WHILE I WILL PROBABLY ONLY ATTEND THE FIRST DAY DUE TO TRAVEL PLANS IN CONNECTION WITH THE ECONOMIC COMMISSION FOR EUROPE, I AM PREPARED TO ASSIST IN DRAFTING THE AREA XI PORTION OF THE MEMORANDUM, WORKING WITH DR. SOKOLOVSKY WHO WILL BE YOUR REPRESENTATIVE FOR AREA XI. IN THAT CONTEXT, I WOULD APPRECIATE YOUR COMMENTS ON THE TWO DRAFTS ATTACHED TO THIS LETTER.

TURNING NOW TO YOUR LETTER OF JUNE 30, WE HAVE ALREADY GONE TO THE EXPENSE OF TRANSLATING THE ORIGINAL MANUSCRIPTS SUBMITTED TO US FOLLOWING THE MEETING IN MOSCOW AND WOULD PREFER TO HAVE THOSE PUBLISHED IN THAT FORM IF YOU HAVE NO OBJECTION. THE EXPENSE OF TRANSLATING THE REVISED ADDITIONS MAY NOT BE JUSTIFIABLE. OUR INITIAL EFFORTS TO HAVE THE REPORTS PUBLISHED IN A LAW REVIEW HAVE BEEN UNSUCCESSFUL BUT WE ARE CONTINUING TO SEEK SOME AVENUE OF PUBLICATION. IN ANY EVENT WE PLAN TO PUBLISH THESE REPORTS INFORMALLY AND DISTRIBUTE THEM TO A LIMITED MAILING LIST.

I HAVE RECEIVED NO OBJECTIONS FROM THE AUTHORS AS TO YOUR PUBLICATION OF ANY OF THE U.S. MANUSCRIPTS AND I BELIEVE YOU HAVE A COPY OF ALL OF THEM NOW AND HAVE TRANSLATED THEM INTO RUSSIAN.

I SHALL EXPECT TO HEAR FROM YOU SOON. MEANWHILE MY BEST REGARDS TO YOU AND TO YOUR ASSOCIATES. SINCERELY,
JOHN BUSTERUD, MEMBER END QUOTE

2. TEXTS TO BE ENCLOSED WITH LETTER:

QUOTE MEMORANDUM OF IMPLEMENTATION

AREA XI. PROJECT XI-1.1 LEGAL AND ADMINISTRATIVE MEASURES FOR PROTECTING ENVIRONMENTAL QUALITY

THE EXCHANGE OF INFORMATION AND LITERATURE IN THE LEGAL AND ADMINISTRATIVE FIELDS WILL CONTINUE DURING 1976.

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THE EXCHANGE OF LEGAL SCHOLARS WHICH BEGAN WITH THE VISIT TO THE SOVIET UNION OF AN AMERICAN LEGAL SCHOLAR WILL CONTINUE NEXT YEAR WHEN THE SOVIET SIDE WILL BALANCE THE EXCHANGE WITH THE FIRST VISIT TO THE U.S. OF A SOVIET LEGAL SCHOLAR. THE POSSIBILITY OF EXCHANGING TWO SCHOLARS FROM EACH SIDE, EACH STUDYING IN THE OTHER SIDE'S COUNTRY FOR THREE MONTHS, WILL BE TAKEN UP AT THE NEXT MEETING OF THE PROJECT LEADERS IN THE UNITED STATES DURING THE FOURTH QUARTER OF 1976.

BOTH SIDES WILL CONTINUE TO SUPPORT THE EXCHANGE OF ARTICLES AND PAPERS ON AREA XI THEMES AND WHEREVER POSSIBLE SEEK TO PUBLISH THOSE MATERIALS. END QUOTE
QUOTE REPORT AND SUMMARY OF AREA XI. PROJECT XI-1.1 -
LEGAL AND ADMINISTRATIVE MEASURES FOR PROTECTING ENVIRONMENTAL QUALITY

THE EXCHANGE OF INFORMATION AND LITERATURE IN THE LEGAL AND ADMINISTRATIVE FIELDS WENT FORWARD DURING THE 1974-75 REPORTING PERIOD. AMERICAN PROFESSOR OF LAW, THOMAS J. SCHOENBAUM, SUCCESSFULLY COMPLETED THE FIRST EXCHANGE FROM THE U.S. SIDE IN THE AGREED UPON EXCHANGE OF LEGAL SCHOLARS. ARRANGEMENTS FOR A SOVIET LEGAL SCHOLAR'S U.S. VISIT WHICH BOTH SIDES CONSIDER ESSENTIAL WERE POSTPONED UNTIL 1976. PROFESSOR SCHOENBAUM WAS HOSTED BY THE "SECTOR ON ENVIRONMENTAL PROTECTION" OF THE INSTITUTE OF STATE AND LAW. HE VISITED SEVERAL SOVIET INSTITUTIONS, MET AND INTERVIEWED ENVIRONMENTAL LEGAL SPECIALISTS AND WROTE AN ARTICLE COMPARING USSR AND U.S. LAWS ON PRESERVATION OF NATURAL AREAS WHICH WAS PUBLISHED IN A SOVIET LEGAL JOURNAL. HE ALSO COMPLETED A RESEARCH ARTICLE FOR PUBLICATION IN A U.S. LEGAL REVIEW.

EFFORTS TO PUBLISH TRANSLATIONS OF SOVIET PAPERS ON ENVIRONMENTAL PROTECTION WERE UNDERTAKEN BY THE U.S. SIDE AND CONTACTS BETWEEN NON-GOVERNMENTAL, MASS MEMBERSHIP ORGANIZATIONS WERE SUPPORTED. THESE IMPORTANT, THOUGH AS YET MODEST, BEGINNINGS IN EXCHANGE OF LEGAL EXPERIENCE REPRESENT STEPS TOWARD MUTUAL INTRODUCTION OF THE COMPLEX ENVIRONMENTAL LAW AND ADMINISTRATION OF BOTH COUNTRIES. A GREAT DEAL DEPENDS IN FUTURE UPON THE RECIPROCAL VISIT OF A SOVIET

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LEGAL SCHOLAR TO THE U.S. END QUOTE. KISSINGER

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